

Litigation Search Report CRU 3999

Reexam Control No. 90/007,487

TO: Andres Kasknikow
Location: CRU
Art Unit: 3993
Date: 04/04/06

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MDW 7C76
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Case Serial Number: 90/007,487 Patricia.volpe@uspto.gov

Search Notes

U.S. Patent No- 6,357,193

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Westlaw.

Date of Printing: APR 05,2006

KEYCITE**CUS PAT 6357193 ROOF BATTEN, Assignee: Diversi-Plast Products, Inc. (Mar 19, 2002)****History**

- => 1 **ROOF BATTEN**, US PAT 6357193, 2002 WL 427811 (U.S. PTO Utility Mar 19, 2002) (NO. 465099)

Assignments

- 2 Assignee(s): DIVERSI-PLAST PRODUCTS, INC. 7425 LAUREL AVENUE GOLDEN VALLEY MINNESOTA 55426, DATE RECORDED: Mar 27, 2000

Patent Status Files

- . Request for Re-Examination, (OG date: May 17, 2005)
- . Patent Suit(See LitAlert Entries),
- . Certificate of Correction, (OG date: Jun 25, 2002)

Litigation Alert

- 6 LitAlert P2005-24-68, (Oct 29, 2004) Action Taken: A complaint was filed

Prior Art

- C** 7 US PAT 5005330 ASSEMBLY OF BATTENS PARTICULARLY FOR THE COVERING OF SLOPING ROOFS, Assignee: Societe Moderne d Batiment Industriel, (U.S. PTO Utility 1991)
- C** 8 US PAT 3889892 CENTER START SURFACE WIND REEL WITH AUTOMATIC CUT-OFF AND TRANSFER, Assignee: Beloit Corporation, (U.S. PTO Utility 1975)
- C** 9 US PAT 5048689 CORRUGATED PAPERBOARD CORNER POST, Assignee: International Paper Company, (U.S. PTO Utility 1991)
- C** 10 US PAT 5054254 CORRUGATED ROOF VENT WITH END CAP AND METHOD OF MAKING SAME, Assignee: Cor-A-Vent, Inc., (U.S. PTO Utility 1991)
- C** 11 US PAT 4803813 FOLDABLE CORRUGATED PLASTIC ROOF VENTILATOR, Assignee: Liberty Diversified Industries, (U.S. PTO Utility 1989)
- C** 12 US PAT 4178914 HEADER FOR A SOLAR ENERGY COLLECTION SYSTEM, Assignee: The Franklin Institute, (U.S. PTO Utility 1979)
- C** 13 US PAT 5349804 METHOD OF FORMING A BUILDING STRUCTURE INCORPORATING A SEAMLESS TUBE USEFUL TO MAKE ROOFING BATTENS AND RELATED METHOD, Assignee: Illinois Tool Works Inc., (U.S. PTO Utility 1994)
- C** 14 US PAT 5816014 METHOD OF MAKING A RIDGE CAP ROOFING TILE, Assignee: Fontana Paper Mills, Inc., (U.S. PTO Utility 1998)
- C** 15 US PAT 5419867 METHOD OF MAKING ROOFING BATTENS, Assignee: Illinois Tool Works Inc., (U.S. PTO Utility 1995)
- C** 16 US PAT 5641551 MULTI-PURPOSE ROTARY SLIT SCORER AND PRODUCTS FORMED THEREBY, Assignee: Container Graphics Corporation, (U.S. PTO Utility 1997)
- C** 17 US PAT 5711116 POLYMER BATTEN WITH ADHESIVE BACKING, Assignee: Illinois Tool Works Inc., (U.S. PTO Utility 1998)
- C** 18 US PAT 5651734 RIDGE CAP ROOF VENTILATOR APPLIED IN ROLL FORM AND METHOD OF USE, Assignee: Liberty Diversified Industries, Inc., (U.S. PTO Utility 1997)

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- C** 19 US PAT 5331783 RIDGE CAP TYPE ROOF VENTILATOR, Assignee: Liberty Diversified Industries, Inc., (U.S. PTO Utility 1994)
- C** 20 US PAT 5094041 RIDGE CAP TYPES ROOF VENTILATOR, Assignee: Liberty Diversified Industries, (U.S. PTO Utility 1992)
- C** 21 US PAT 5947817 ROLLABLE ROOF VENTILATING DEVICE AND METHODS FOR USE THEREOF, Assignee: Diversi-Plast Products, Inc., (U.S. PTO Utility 1999)
- C** 22 US PAT 5673521 ROLLED ROOF VENT AND METHOD OF MAKING SAME, Assignee: Benjamin Obdyke Incorporated, (U.S. PTO Utility 1997)
- C** 23 US PAT 5092225 ROOF RIDGE VENT, (U.S. PTO Utility 1992)
- C** 24 US PAT 5328407 ROOF RIDGE VENT WITH TUBULAR BAFFLES, (U.S. PTO Utility 1994)
- C** 25 US PAT 3185070 ROOF RIDGE VENTILATOR, (U.S. PTO Utility 1965)
- C** 26 US PAT 5304095 ROOF VENTILATOR HAVING LONGITUDINALLY ALIGNED FOLDING SECTIONS, Assignee: Liberty Diversified Industries, Inc., (U.S. PTO Utility 1994)
- C** 27 US PAT 5242736 SEAMLESS TUBE USEFUL TO MAKE ROOFING BATTENS AND RELATED METHOD, Assignee: Illinois Tool Works Inc., (U.S. PTO Utility 1993)
- C** 28 US PAT 5319908 SEAMLESS TUBE USEFUL TO MAKE ROOFING BATTENS FOR INCORPORATION WITHIN A BUILDING STRUCTURE SYSTEM, Assignee: Illinois Tool Works Inc., (U.S. PTO Utility 1994)
- C** 29 US PAT 4807409 VENTED FASCIA BOARD, Assignee: Cor-A-Vent, Inc., (U.S. PTO Utility 1989)
- C** 30 US PAT 3949657 VENTILATED CAP FOR THE RIDGE OF A ROOF, (U.S. PTO Utility 1976)
- C** 31 US PAT 5427571 VENTILATED CAP SYSTEM FOR THE RIDGE OF A ROOF, Assignee: Cor-A-Vent Incorporated, (U.S. PTO Utility 1995)
- C** 32 US PAT 5099627 VENTILATED ROOF CONSTRUCTION AND METHOD, Assignee: Benjamin Obdyke Incorporated, (U.S. PTO Utility 1992)
- C** 33 US PAT 5603657 VENTILATING DEVICE, Assignee: Cor-A-Vent, (U.S. PTO Utility 1997)
- C** 34 US PAT 4942699 VENTING OF ROOFS, Assignee: Benjamin Obdyke Incorporated, (U.S. PTO Utility 1990)

US District Court Civil Docket**U.S. District - Utah
(Central)****2:04cv1005****Diversi Plast Prod v. Battens Plus**

This case was retrieved from the court on Monday, January 23, 2006

Date Filed: 10/29/2004	Class Code: ALBA, JURY, PATENT, SETTLE
Assigned To: Judge Paul G Cassell	Closed: no
Referred To: Magistrate Judge Samuel Alba (Settlement)	Statute: 35:0271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

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Date	#	Proceeding Text
10/29/2004	1	Complaint filed, assigned to Judge Paul G. Cassell Receipt no.: 143756 (ekg) (Entered: 11/01/2004)
10/29/2004	3	DISCLOSURE STATEMENT Under FRCP 7.1 filed by Diversi Plast Prod (tsh) (Entered: 11/01/2004)

11/01/2004	--	Notification of Patent mailed to Commissioner of Patents and Trademarks. (ekg) (Entered: 11/01/2004)
11/01/2004	2	Motion and Order signed by Judge Paul G. Cassell , 11/01/04 Granting motion/PHV for Attorney Randall T. Skaar, Matthew T. Macari on behalf of plaintiff Diversi Plast Prod cc:attys (tsh) (Entered: 11/01/2004)
01/03/2005	4	Return of summons executed as to Battens Plus 12/8/04. Answer due on 12/28/04 for Battens Plus. (tsh) (Entered: 01/05/2005)
01/14/2005	5	Answer to Complaint and Counterclaim by Battens Plus against Diversi Plast Prod (tsh) (Entered: 01/18/2005)
01/18/2005	--	Clerk's mailing of certificate of acknowledgment of alternative dispute resolution option. Mailed, faxed or emailed to plaintiff Diversi Plast Prod, defendant Battens Plus (tsh) (Entered: 01/18/2005)
01/20/2005	6	Magistrate Notice of Hearing Initial Pretrial Conference set for 2:30 4/6/05 To be held before Judge Nuffer cc:atty (Ntc generated by: DON's chambers) (tsh) (Entered: 01/20/2005)
02/04/2005	7	Motion by Diversi Plast Prod to strike dft's defense of inequitable conduct (tsh) (Entered: 02/08/2005)
02/04/2005	8	Memorandum by Diversi Plast Prod in support of [7-1] motion to strike dft's defense of inequitable conduct (tsh) (Entered: 02/08/2005)
02/04/2005	9	Certificate of service [7-1] motion to strike dft's defense of inequitable conduct, [8-1] support memorandum, and proposed order by Diversi Plast Prod (tsh) (Entered: 02/08/2005)
02/07/2005	10	Response by Diversi Plast Prod to [5-1] answer, [5-2] counter claim (tsh) (Entered: 02/08/2005)
02/07/2005	11	Certificate of service [10-1] response by Diversi Plast Prod (tsh) (Entered: 02/08/2005)
02/15/2005	12	Motion and Order signed by Judge Paul G. Cassell , 2/15/05 Granting motion/PHV for Attorney Daniel N. Ballard, Michelle L. Samonek on behalf of defendant Battens Plus, counter-claimant Battens Plus cc:attys (tsh) (Entered: 02/16/2005)
02/22/2005	13	Memorandum by Battens Plus in opposition to [7-1] motion to strike dft's defense of inequitable conduct (tsh) (Entered: 02/24/2005)
03/02/2005	14	Reply by Diversi Plast Prod to response to [7-1] motion to strike dft's defense of inequitable conduct (tsh) (Entered: 03/03/2005)
03/02/2005	15	Declaration of Randall T. Skaar (tsh) (Entered: 03/03/2005)
03/02/2005	16	Certificate of service [14-1] response reply, [15-1] declaration by Diversi Plast Prod (tsh) (Entered: 03/03/2005)
03/07/2005	17	Certificate of election filed by plaintiff Diversi Plast Prod Refer to: normal litigation track (tsh) (Entered: 03/09/2005)
03/07/2005	18	REPORT of Attorney Planning Meeting (tsh) (Entered: 03/09/2005)
03/17/2005	19	Order granting in part, denying in part [7-1] motion to strike dft's defense of inequitable conduct. Dft granted leave to amend its pleading to comply with the requirements of 9(b) and shall have 30 days from the date of distribution of this order in which to do so. Signed by Judge Paul G. Cassell , 3/17/05 cc:atty (tsh) (Entered: 03/18/2005)
03/18/2005	20	Scheduling order setting: Joining of parties, amending of pleadings on 4:30 6/10/05 ; Deadline for filing of all motions 4:30 3/31/06 ; Discovery: Fact - 12/16/05, Expert - 3/17/06 ; Attorney Conference by 4:30 9/1/06 ; Final Pretrial Conference for 3:00 9/18/06 ; 5-Day Jury Trial for 8:30 10/2/06. Signed by Judge David Nuffer 3/17/05 cc:atty. (tsh) (Entered: 03/21/2005)
03/24/2005	21	Order and Referral to Settlement Conference Proceedings, Case referred to Mag Judge Samuel Alba to conduct a Settlement Conference by 8/11/06. Counsel shall jointly contact the mag judge by 7/7/06 to schedule the settlement conference. Signed by Judge Paul G. Cassell , 3/23/05 cc:atty (tsh) (Entered: 03/25/2005)
04/18/2005	22	Amended Answer to Complaint by Battens Plus : amends [5-1] answer; jury demand (asp) (Entered: 04/19/2005)
04/18/2005	22	Amended counterclaim by Battens Plus : amending [5-2] counter claim (asp) (Entered: 04/19/2005)
04/18/2005	23	Certificate of service by Diversi Plast Prod re: ntc of deposition of Battens Plus (asp) (Entered: 04/19/2005)
04/29/2005	24	STIPULATED PROTECTIVE ORDER. Signed by Judge Paul G. Cassell on 04/29/05. (asp,) (Entered: 05/02/2005)
05/04/2005	25	RESPONSE/Reply re 22 Counterclaim, 22 Amended Answer to Complaint filed by Plaintiff Diversi-Plast Products. (asp,) (Entered: 05/04/2005)
08/29/2005	26	MOTION/ORDER granting motion for Admission Pro Hac Vice for of Michael S. Wilcox for Battens Plus

and Battens Plus. Attorneys admitted pro hac vice may download a copy of the District of Utah's local rules from court's web site at <http://www.utd.uscourts.gov>. Signed by Judge Paul G. Cassell on 8/29/05. (asp) (Entered: 08/30/2005)

- 09/02/2005 27 MOTION to Stay filed by Defendant Battens Plus. (kvs,) (Entered: 09/02/2005)
- 09/02/2005 28 DECLARATION of Michael S. Wilcox re 27 MOTION to Stay filed by Battens Plus. (kvs,) (Entered: 09/02/2005)
- 09/02/2005 29 MEMORANDUM in Support re 27 MOTION to Stay filed by Defendant Battens Plus. (kvs,) (Entered: 09/02/2005)
- 09/16/2005 30 MEMORANDUM in Opposition re 27 MOTION to Stay filed by Plaintiff Diversi-Plast Products. (Attachments: # 1 Certificate of Service)(Macari, Matthew) (Entered: 09/16/2005)
- 09/16/2005 31 AFFIDAVIT/DECLARATION of Matthew T. Macari in Opposition re 27 MOTION to Stay filed by Plaintiff Diversi-Plast Products. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C & D)(Macari, Matthew) Modified on 9/19/2005 should have been docketed as DECLARATION not AFFIDAVIT (asp). (Entered: 09/16/2005)
- 09/26/2005 32 ORDER denying 27 Motion to Stay. Signed by Judge Paul G. Cassell on 9/26/05. (aeb,) (Entered: 09/26/2005)
- 09/26/2005 33 REPLY to Response to Motion re 27 MOTION to Stay filed by Defendant Battens Plus. (Ballard, Daniel) (Entered: 09/26/2005)
- 10/03/2005 -- Defendant's MOTION Reconsideration of Denial of Motion to Stay re 32 Order on Motion to Stay filed by Defendant Battens Plus. (Attachments: # (1))(Ballard, Daniel) Modified on 10/4/2005 Error: The incorrect docketing event was selected for document 34. Correction: Document re-docketed as motion and memorandum in support. (asp) (Entered: 10/03/2005)
- 10/03/2005 35 Modification of Docket: Error: The incorrect docketing event was selected for document 34. Correction: Document re-docketed as motion and memorandum in support. re [34] Defendant's MOTION Reconsideration of Denial of Motion to Stay re 32 Order on Motion to Stay. (asp) (Entered: 10/04/2005)
- 10/03/2005 36 MOTION for reconsideration of the re 32 Order on Motion to Stay filed by Defendant Battens Plus. (asp) (Entered: 10/04/2005)
- 10/03/2005 37 MEMORANDUM in Support re 36 MOTION for reconsideration of the re 32 Order on Motion to Stay filed by Defendant Battens Plus. (asp) (Entered: 10/04/2005)
- 10/14/2005 -- Judge Samuel Alba added as settlement judge per order dated 3/24/05. (ce,) (Entered: 10/14/2005)
- 10/17/2005 38 MEMORANDUM in Opposition re 36 MOTION for reconsideration of the re 32 Order on Motion to Stay filed by Plaintiff Diversi-Plast Products. (Attachments: # 1 Certificate of Service)(Macari, Matthew) (Entered: 10/17/2005)
- 10/19/2005 39 REPLY to Response to Motion re 36 MOTION for reconsideration of the re 32 Order on Motion to Stay filed by Defendant Battens Plus. (Ballard, Daniel) (Entered: 10/19/2005)
- 11/01/2005 40 ORDER denying 36 Motion for Reconsideration of the Denial of Motion to Stay. Signed by Judge Paul G. Cassell on 11/01/2005. (ftm,) (Entered: 11/01/2005)
- 11/22/2005 41 MOTION/ORDER granting motion for Admission Pro Hac Vice for of Tye Biasco for Diversi-Plast Products. Attorneys admitted pro hac vice may download a copy of the District of Utah's local rules from court's web site at <http://www.utd.uscourts.gov>. Signed by Judge Paul G. Cassell on 11/21/05. (asp,) (Entered: 11/23/2005)
- 12/07/2005 42 Stipulated MOTION for Extension of Time to Complete Discovery filed by Plaintiff Diversi-Plast Products. (Attachments: # 1 Text of Proposed Order # 2 Affidavit Certificate of Service)(Macari, Matthew) (Entered: 12/07/2005)
- 12/07/2005 43 ORDER granting 42 Motion for Extension of Time to Complete Discovery . Signed by Judge David Nuffer on 12/7/05. (asp,) (Entered: 12/07/2005)
- 12/07/2005 -- Reset Deadlines: Discovery due by 2/16/2005. (asp,) (Entered: 12/07/2005)
- 12/07/2005 44 Stipulated MOTION for Extension of Time to Complete Discovery filed by Plaintiff Diversi-Plast Products. (Attachments: # 1 Text of Proposed Order # 2 Affidavit Certificate of Service)(Macari, Matthew) (Entered: 12/07/2005)
- 12/13/2005 45 ORDER granting 44 Motion for Extension of Time to Complete Fact Discovery to 2/16/06.. Signed by Judge David Nuffer on 12/13/05. (docket text order) (asb,) (Entered: 12/13/2005)

Source: [Command Searching > Utility, Design and Plant Patents](#) Terms: **patno=6357193** ([Edit Search](#) | [Suggest Terms for My Search](#))

465099 (09) 6357193 March 19, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

6357193

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March 19, 2002

Roof batten

REEXAM-LITIGATE: March 29, 2005 - Reexamination requested by Carl J. Swindler, Reexamination No. 90/007,487 (O.G. May 17, 2005) Ex. Gp: 3637

NOTICE OF LITIGATION

Diversi-Plast Products v. Battens Plus, Filed October 29, 2004, D.C. Utah, Doc. No. 2:04cv1005 PGC

CERT-CORRECTION: June 4, 2002 - a Certificate of Correction was issued for this patent (O.G. June 25, 2002)

APPL-NO: 465099 (09)

FILED-DATE: December 16, 1999

GRANTED-DATE: March 19, 2002

ASSIGNEE-AT-ISSUE: Diversi-Plast Products, Inc., Golden Valley, Michigan, 02


ASSIGNEE-AFTER-ISSUE: March 27, 2000 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., DIVERSI-PLAST PRODUCTS, INC. 7425 LAUREL AVENUE GOLDEN VALLEY MINNESOTA 55426, Reel and Frame Number: 10637/0522

March 30, 2006 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., DIVERSI-PLAST PRODUCTS, INC. 7425 LAUREL AVENUE GOLDEN VALLEY MINNESOTA 55426, Reel and Frame Number: 17388/0228

CORE TERMS: batten, roof, ply, layer, tile, installed, planar, convoluted, multiplicity, channels ...

Source: [Command Searching > Utility, Design and Plant Patents](#) Terms: **patno=6357193** ([Edit Search](#) | [Suggest Terms for My Search](#))View: **Custom**

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or	or
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not w/N	not within N words
pre /N	precedes by N
w/p	in same paragraph
not w/p	not in same paragraph
w/seg	in same segment
not w/seg	not in same segment
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pre /N	precedes by N
w/p	in same paragraph
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